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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER
BORLINGHAUS, JASON M

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 10/066,238
Filing Date: January 30, 2002
Appellant(s): SAYAL ET AL.

Fred Pruner
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/04/2010 appealing from the Office action mailed

5/50/2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1 – 22.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection

to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the

appeal is taken (as modified by any advisory actions) is being maintained by the examiner

except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN

REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW

GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the

Appendix to the appellant's brief.

(8) Evidence Relied Upon

20020078349	Marso et al.	06-2000
6032124	Saito et al.	10-1995
20030101169	Bhatt et al.	06-2001
20020128946	Chehade et al.	01-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1 – 5, 8 – 14 and 21 - 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Chehade (US PG Pub. 2002/0128946) in view of Marso (US PG Pub.

2002/0078349).

Regarding Claims 1 – 5 and 21, Chehade discloses a method for enabling at least one

internal business process of a first trading partner (trading participant) which uses a first data

representation (first format) the method comprising: (see para. 33)

- receiving a message (business process data) from the internal business process

    of the first trading partner (trading participant), the message having the first data

    representation (first format). (see para. 33);

- automatically converting the message (business process data) having the first

    data representation (first format) into a corresponding message having the

communication format specified by an interaction standard (second format) for

communication outside of the first trading partner to a second trading partner

using the interaction standard. (see para. 33);

- in the first trading partner, receiving a second message (response) in the

  communication format (second format) from the trading partner. (see para. 33);

- automatically converting the received message (business process data) having

  the communication format specified by the interaction standard (second format)

  into a corresponding message (business process data) having the first data

  representation (first format). (see para. 33);

- wherein the interaction standard is one of a business-to-business standard

  (RosettaNet). (see para. 15 – 17);

- wherein the interaction standard is one of RosettaNet business-to-business

  interaction standard. (see para. 15 – 17);

- wherein the business process (trading participant) includes at least one workflow.

  (see para. 16); and

- wherein the interaction standard (RosettaNet) defines syntax (grammar) and flow

  of interactions (sequence validation) among business processes (trading

  participants). (see para. 82)

Chehade does not teach that conversion of the message occurs internally within the first

trading partner.

Marso discloses a system wherein the conversion of the message occurs internally

within the first trading partner. (see para. 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was

made to have modified Chehade by incorporating the internal conversion process, as disclosed

by Marso, thereby providing the first trading partner control of the conversion process and

ensuring that the conversion process adheres to the quality standards of the first trading

partner.

Regarding Claims 8 – 14 and 22, such claims recite substantially similar limitations as

claimed in previously rejected claims and, therefore, would have been obvious based upon

previously rejected claims or are otherwise disclosed by the prior art applied in previously

rejected claims. Such claim limitations are therefore rejected using the same art and rationale

as previously utilized.

Claims 6 – 7 and 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Chehade and Marso, as applied to Claims 1 - 2 and 8 above, and further in view of Bhatt

(US PG Pub. 2003/0101169) and Saito (Patent 6,032,124).

Regarding Claim 18, Chehade discloses a method wherein the step of automatically

converting the received message (business process data) having the communication format

(second format) specified by the interaction standard into the corresponding message (business

process data) having the first data representation (first format) includes the steps of: (see para.

33)

- retrieving a service name (sender identifier) and queries (business process data).
  (see para. 55 – 57 and 80 - 84);
- parsing the request and extracting data. (see para. 80 - 84);
- starting the service (validation process) and passing data (to process module).
  (see para. 80 – 84);
- obtaining service (validation) results. (see para. 80 – 84);
- preparing a response (converting message). (see para. 84 – 85); and

- ▪ sending the message (transmits message). (see para. 84 - 85).

Chehade does not teach a method wherein the steps include retrieving an extensible-markup query language (XQL) queries; retrieving an extensible markup language (XML) template; preparing an XML response; sending the XML message; and returning control to a workflow server, although Chehade does disclose that the business processes' activities are dictated by workflow. (see para. 16).

Bhatt discloses a method wherein the steps include:

- ▪ retrieving extensible-markup query language (XQL) queries. (see para. 36 & 72); parsing the request and extracting data (see para. 36 & 72);

- ▪ starting the service (retrieval) and passing data (to Path Processor). (see para.33 - 36);

- ▪ obtaining service results (retrieved data). (see para. 74);

- ▪ retrieving an extensible markup language (XML) template. (see para. 74 – 75);

- ▪ preparing an XML response (XML document). (see para. 74); and

- ▪ sending the XML message. (see para. 67).

Saito discloses a workflow server.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chehade and Marso by incorporating the data storage and retrieval formats, as disclosed by Bhatt, thereby allowing for usage of conventional and standard data storage formats.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Chehade, Marso and Bhatt by incorporating a workflow server, as disclosed by Saito, thereby designating an automated server to manage the workflow information already addressed by Chehade.

Regarding Claims 6 – 7 and 19 - 20, such claims recite substantially similar limitations as claimed in previously rejected claims and, therefore, would have been obvious based upon previously rejected claims or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized.

(10) Response to Argument

Regarding Claims 1 and 8

Appellant asserts that the Examiner has presented insufficient and/or improper motivation to combine the teachings of the prior art (Chehade and Marso), thereby failing to render the claimed invention obvious.

The Appellant's characterization of the primary reference (Chehade) is accurate. The Appellant stated:

> Chehade discloses that the process management platform 318 translates communications between the trading participants when different protocols are used for this communication; and Chehade states that the process management platform 318, "uses table-lookup, database methods, and other methods to seamlessly translate messages from a uniform transaction format understood by trading participant 1 to the format understood by trading participant 2." Chehade, para. no. [0091]. (see Appellant's Arguments, p. 9).

Chehade failed to teach that this translation process was an "internal business process of the first trading partner" as Chehade disclosed that this translation process occurred in a third party (process management platform) separate from the trading partners engaged in communication. (see abstract; fig. 3).

The secondary reference (Marso) was introduced to demonstrate that it is old and well known in the art of electronic communication to internalize translation processes within an entity, allowing communication with external entities.

Appellant asserts that Marso "generally discloses automating a manual process to sanitize outgoing messages for national security purposes." (see Appellant's Arguments, p. 10). Examiner assumes that Appellant is stressing the national security applications disclosed by Marso to stress the differences between the primary and secondary references. However, Examiner would like to counter that the national security aspects of Marso do not prevent a broader applicability of Marso. Examiner asserts that disclosed examples and preferred embodiments do not constitute a teaching away from a broader disclosure or non-preferred embodiments. *In re Susi, 169 USPQ 423, 426 (CCPA 1971).*

In fact, Marso states:

> The present invention is directed to a message parsing and formatting utility. ***The invention is applicable in a variety of contexts where it is desirable to transform information from an external format to an internal representation for use by an application or vice versa.*** Moreover, the invention may be implemented in conjunction with a variety of different applications. ***In the following description, the invention is set forth in the context of a sanitization system for controlling dissemination of classified information. This context serves to illustrate the various functions and advantages of the present invention, but it should be appreciated that the invention is not limited to this context.*** (emphasis added, see para. 31).

Additionally, Marso does anticipate non-national security applications, such the processing of business data. In that regard, Marso states:

> Next consider the context of data based messages or mixed text and data. ***For example, one application may be designed for accessing business records in a company database based on various fields identifying customers, products, product codes, pricing, etc.*** Another application may be involved in distributing strategical information relating to the locations and movements of identified military assets. In each such case, a utility may be required to identify and separate for internal handling particular fields of data whose size, in terms of data bits or text characters, can vary depending, for example, on the source and format of the incoming message. (emphasis added, para. 6).

Appellant asserts that the Examiner's stated motivation to combine Chehade and Marso contained in the final rejection mailed on 5/05/2010 "fails to set forth a plausible reason to

explain why the skilled artisan would have combined elements from Chehade and Marso to

derive the claimed invention." (see Appellant's Arguments, p. 11). In the final rejection, the

Examiner stated:

> It would have been obvious to one of ordinary skill in the art at the time the
> invention was made to have modified Chehade by incorporating the internal
> conversion process, as disclosed by Marso, thereby providing the first trading
> partner control of the conversion process and ensuring that the conversion
> process adheres to the quality standards of the first trading partner. (see final
> rejection, p. 4).

Appellant asserts that "a reason cannot be gleaned from Marso's disclosure [for

internalizing], as the internal conversion disclosed in Marso is due to the shear necessity to

control the dissemination of national intelligence documents and not for purposes of quality

control." In response, Examiner asserts that there is a general interest and/or trend to integrate

components or internalize processes into one unit for numerous perceived benefits.

A business, such as a trading partner, might want to internalize processes that would

otherwise be outsourced to a third party. By bringing such processes in-house, a business has

more direct control over such processes and has better supervision over such processes, both

of provides a business a peace of mind and ensures that the process is performed in the

manner that the overseeing business finds acceptable.

A manufacturer of a system, such as a system for use by a trading partner, might want

to integrate multiple components, the trading partner system and the process management

platform, thereby making two components into one component, thereby reducing the number of

system components and creating a more comprehensive system component with more

functionality.

The courts have stated that "[a] suggestion, teaching, or motivation to combine the

relevant prior art teachings does not have to be found explicitly in the prior art, as the teaching,

motivation, or suggestion may be implicit from the prior art as a whole, rather than expressly

stated in the references...The test for an implicit showing is what the combined teachings,

knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a

whole would have suggested to those of ordinary skill in the art… there must be some

articulated reasoning with some rational underpinning to support the legal conclusion of

obviousness." *In re Kahn, 78 USPQ2d 1329, 1336 (CAFC 2006).* Examiner asserts that he can

and/or has provided such "articulated reasoning" to support the legal conclusion of obviousness.

Regarding Claim 6

In regards to Claim 6, Appellant asserts that the prior art (Chehade, Marso,

Bhatt and Saito) fails to teach or suggest "a conversion process that involves retrieving

a template or preparing a message based upon such template." (see Appellant's

Arguments, p. 13).

The primary reference (Chehade) states:

Step 615 test the valid business process data message to determine if the message requires and translation and/or conversion. Translation and/or conversion may be required when the sender and receiver are using incompatible systems or protocols. In such instances, the incompatible business process data is passed to translation service 620. ***Translation service 620 converts data sent in a first protocol or format to data that conforms to a second protocol or format. For example, if the business process data was sent using an older RosettaNet.TM. protocol and the recipient is configured to utilize a new RosettaNet.TM. protocol, translation service 620 will convert the data from the first protocol into the second protocol.*** When an acknowledgement or reply is sent back the translation may be performed again so that each party involved in the transaction can receive the data in the format understood by that party. If the message requires decryption, translation services 620 may also perform this function. When translation service 620 is complete, the data is tested for a broadcast indication at step 625. (emphasis added, para. 66).

Chehade discloses and/or suggests retrieving a language document template (a second

protocol or format); and preparing a language message that is based on the language

document template (second protocol or format).

Chehade discloses translating messages from one format to a second protocol format.

(see para. 66). If a message is transformed from one format into a second format, the second

format dictates the output generated by the transformation process. Therefore, the second

format is "the template." The second format is retrieved from memory in a computerized system

and implemented by the computerized system to generate the transformed message.

The secondary reference (Marso) states:

A variety of parsing utilities exists. ***Often, these utilities are pre-configured for
use in a particular computing environment, e.g., for handling a particular
type of messages. For example, a utility for handling XML messages may
parse messages based on tags included in the messages which can be
managed based on a Document Type Definition.*** Other utilities may be
configurable to handle different types of messages. Generally, such utilities are
configured at compile time for a particular application. In many cases, these
utilities parse messages in a single pass based on predefined rules applicable to
the whole message. (emphasis added, para. 7).

In order to facilitate such multi-system operation, the step of configuring can be
implemented after compile time or during run time. The associated process
involves compiling the generic processing engine and then operating the
compiled engine to access the external specification information. ***In this regard,
the processing engine may be table-driven such that specifications for
various external systems are stored in separate tables of a database, e.g., a
relational database. Each such table may store a list of parameters
defining an external format indexed to an identifier for that format. Then,
upon receiving a message or otherwise being prompted, the engine can
identify the external system, access the associated specification and use
the parameters for configuration.*** Many different message formats may be
supported in this regard, including text and image formats. The engine can thus
convert an external message to an internal form and/or internal messages to the
external form. By virtue of this architecture, the engine can handle messages in
multiple formats without recompiling or re-certification. (emphasis added, para.
11).

Marso discloses retrieving a service definition (identifier for configuration parameters);

retrieving a mark-up language document template (Document Type Definition tied to a XML

message or configuration parameters) based upon the service definition; and preparing

(parsing) a mark-up language message (XML message) that is based on the mark-up language

document template (Document Definition Type or configuration parameters). It should be noted

that XML format is a mark-up language.

Regardless of whether Chedade implies possession of a template for use in the

transformation process, Marso explicitly discloses the usage of templates (parameters for

configuration) to enable the transformation process. (see para. 11).

Additional reference (Bhatt) states:

A system providing methods enabling data in Extensible Markup Language
("XML") format to be extracted, transformed and stored in a database, file system
or main memory is described. The extraction and transformation process is
generalized and can be used on various types of XML data, enabling XML data
to be stored and queried using standard database query methodologies. **_The
system includes parse-time functionality to transform XML documents into
a structure having an interface that enables efficient access to the
underlying data._** The system also includes query execution-time functionality
providing greater efficiency by bringing only the relevant portions of transformed
XML data into memory in response to a query. **_The system parses and
translates queries into a structure that can be executed without the need to
write custom application-specific navigation code to search XML data. The
system also enables original XML documents (or portions thereof) to be
recomposed when required._** (emphasis added, see abstract).

Bhatt discloses retrieving a mark-up language document template (structure for

transforming XML data); and preparing (transforming/recomposing) a mark-up language

message (XML data) that is based on the mark-up language document template (structure).

Chehade does not teach that the template or the transformation pertains to a "mark-up

language document template". Marso and Bhatt disclose that mark-up language formats, such

as XML, and mark-up language documents, such as XML documents, are old and well known in

the art. (see Marso, para. 7 and Bhatt, abstract).

Examiner asserts that it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have modified Chehade and Marso, which transforms data from

one format into another format, to incorporate the ability to transform data in an XML format, as

disclosed by Bhatt, thereby allowing for transformation of data in XML format, as communication

of data in such a format and/or protocol is old and well known in the computer arts.

Appellant asserts Examiner failed to properly reject Claim 6. In the final rejection,

Examiner stated:

> Regarding Claims 6 – 7 and 19 - 20, such claims recite substantially similar limitations as claimed in previously rejected claims and, therefore, would have been obvious based upon previously rejected claims or are otherwise disclosed by the prior art applied in previously rejected claims. Such claim limitations are therefore rejected using the same art and rationale as previously utilized. (see final rejection, p. 6).

Directly preceding this statement in the final rejection was a rejection of Claim 18. Claim

18 is substantially similar to Claim 6, possessing narrower claim imitations than the broader

claim language of Claim 6. The only difference being that Claim 6 pertains to a message while

Claim 18 pertains to a second message. Examiner felt that the Appellant would understand how

the rejection of Claim 18 would also read on the rejection of Claim 6.

Claim 6. The method of claim 1 wherein the act step of automatically converting the

message having the first data representation into a corresponding message having the

communication format specified by the interaction standard includes:

retrieving a service definition;

retrieving a mark-up language document template; and

preparing a mark-up language message that is based on the mark-up language

document template.

Claim 18. The method of claim 2 wherein the act step of automatically converting the

second message having the communication format specified by the interaction standard into the

corresponding message having the first data representation includes:

retrieving a service name and extensible-markup query language (XQL) queries;

parsing the request and extracting data;

starting the service and passing data;

obtaining service results;

retrieving an extensible markup language (XML) template;

preparing an XML response;

sending the XML message; and

 returning control to a workflow server.

Regarding Claim 7

Appellant asserts that the prior art (Chehade, Marso, Bhatt and Saito) fails to teach or

suggest "retrieving at least one XQL query for purposes of converting a data representation of a

message or executing an XQL query to extract data from the reply ." (see Appellant's

Arguments, p. 15).

The secondary reference (Marso) states:

A variety of parsing utilities exists. ***Often, these utilities are pre-configured for***
use in a particular computing environment, e.g., for handling a particular
type of messages. For example, a utility for handling XML messages may
parse messages based on tags included in the messages which can be
managed based on a Document Type Definition. Other utilities may be
configurable to handle different types of messages. Generally, such utilities are
configured at compile time for a particular application. In many cases, these
utilities parse messages in a single pass based on predefined rules applicable to
the whole message. (emphasis added, para. 7).

Referring first to FIG. 3, box 300 illustrates a formatted character-based
message input. The input 300 includes a number of data fields from which
useful data can be extracted. ***The process for extracting such data involves***
accessing a format specification, using the format specification to parse
the message into its various fields and reading the information from the
various fields. Box 302 illustrates an internal data representation that can be
understood by the calling application. In this case, the internal representation
302 includes a number of tags 304 identifying the data fields together with

content 306 associated with each such tag. ***FIG. 3 thus illustrates an input
transformation process from an external format to an internal data
representation.*** (emphasis added, para. 46).

Marso discloses receiving a message having the communication format specified by the

interaction standard (an external format), said interaction standard being XML, retrieving an

extraction function to extract data from the reply (incoming XML standard) for purposes of

converting a data representation of a message.

Additional reference (Bhatt) states:

A system providing methods enabling data in Extensible Markup Language
("XML") format to be extracted, transformed and stored in a database, file system
or main memory is described. The extraction and transformation process is
generalized and can be used on various types of XML data, enabling XML data
to be stored and queried using standard database query methodologies. ***The
system includes parse-time functionality to transform XML documents into
a structure having an interface that enables efficient access to the
underlying data.*** The system also includes query execution-time functionality
providing greater efficiency by bringing only the relevant portions of transformed
XML data into memory in response to a query. ***The system parses and
translates queries into a structure that can be executed without the need to
write custom application-specific navigation code to search XML data. The
system also enables original XML documents (or portions thereof) to be
recomposed when required.*** (emphasis added, see abstract).

XQL: XQL refers to a standard XML Query Language proposed to the W3C
consortium, XSL working group in 1998. For further description of the proposal,
see e.g., "XML Query Language (XQL)," a W3C working draft (Jun. 7, 2001), the
disclosure of which is hereby incorporated by reference. This draft specification
is available from the W3C and is currently available via the Internet at
http://www.w3.org/TandS/QL/QL98/pp/xql.html- . ***Currently, XQL is the most
commonly used language for querying XML documents.*** (emphasis added,
para. 32).

Bhatt discloses retrieving a at least one XQL query for purposes of converting a data

representation of a message (XML document) and executing a XQL query to extract data from

the reply (XML document).

As previously stated in regards to Claim 6, it would have been obvious to modify

Chehade, Marso, Bhatt and Saito by incorporating messages in an XML format, as the XML

format is old and well known in the art as a standard and conventional format for data encoding.

Therefore, it would have also been obvious to further modify Chehade, Marso, Bhatt and Saito

to allow for the extraction of data encoded using the XML format, thereby retrieving the relevant

data from the received message in the most efficient manner.

Bhatt discloses that XQL queries are a commonly used protocol from retrieving data

from XML documents and, therefore, it would have been obvious to one of ordinary skill in the

art at the time the invention to have modified the prior art to utilize such a standard and

conventional language for retrieval of data from XML messages.

Appellant asserts Examiner failed to properly reject Claim 7. In the final rejection,

Examiner stated:

> Regarding Claims 6 – 7 and 19 - 20, such claims recite substantially similar
> limitations as claimed in previously rejected claims and, therefore, would have
> been obvious based upon previously rejected claims or are otherwise disclosed
> by the prior art applied in previously rejected claims. Such claim limitations are
> therefore rejected using the same art and rationale as previously utilized. (see
> final rejection, p. 6).

Directly preceding this statement in the final rejection was a rejection of Claim 18. Claim

18 is substantially similar to Claim 7, possessing narrower claim imitations than the broader

claim language of Claim 7. Examiner felt that the Appellant would understand how the rejection

of Claim 18 would also read on the rejection of Claim 7.

Claim 7. The method of claim 2 wherein the act step of automatically converting the

second-message having the communication format specified by the interaction standard into a

corresponding message having the first data representation includes:

> ***retrieving at least one extensible-markup query language (XQL) query; and***

> ***executing the XQL query to extract the data from the reply.***

Claim 18. The method of claim 2 wherein the act step of automatically converting the second message having the communication format specified by the interaction standard into the corresponding message having the first data representation includes:

retrieving a service name and ***extensible-markup query language (XQL) queries***;

parsing the request and extracting data;

starting the service and passing data;

obtaining service results;

retrieving an extensible markup language (XML) template;

preparing an XML response;

sending the XML message; and

returning control to a workflow server.

Regarding Claim 18

All argument(s) and/or rationale(s) set forth above with respect to earlier addressed claim(s), Claim(s) 6 and 7, are hereby incorporated and/or reapplied so as to apply to Claim(s) 18 where applicable.

Appellant asserts that the prior art (Chehade, Marso, Bhatt and Saito) fails to teach or suggest "retrieving a service name, starting the service and obtaining service results." (see Appellant's Arguments, p. 16).

During examination, "claims ... are to be given their broadest reasonable interpretation consistent with the specification, and ... claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art." *In re Bond, 910 F.2d 831, 833 (Fed. Cir. 1990).* However, in examining the specification for proper context, the examiner will not at any time import limitations from the specification into the claims.

CollegeNet, Inc. v. ApplyYourself, Inc., 418 F.3d 1225, 1231 (Fed. Cir. 2005). Construing claims

broadly during prosecution is not unfair to the applicant, because the applicant has the

opportunity to amend the claims to obtain more precise claim coverage. *In re Yamamoto, 740*

F.2d 1569, 1571 (Fed. Cir. 1984).

Primary reference (Chehade) states:

> After logging the message, process management platform 318 validates the
> message (e.g., the business process data) at step 720. **_Message validation_**
> **_involves a number of tests._** The first test of step 720 includes verifying the
> physical transmission of the message. This test may be performed using Cyclic
> Redundancy Checks (CRC), or any other method that can be used to verify the
> integrity of the message itself. Unneeded message header and tail information
> is then stripped from the message, and the next validation test is performed.
> **_The next validation test may be authentication of the identity of the sender_**
> **_of message._** One service provided by process management platform 318 is to
> ensure authentication of the transaction for trading participants. This capability
> of process module 318 is performed in step 720. In addition, the message may
> contain a digital signature. **_If so, the invention may validate the signature as_**
> **_part of accepting the identity of the sender._** (emphasis added, para. 81).

Chehade discloses retrieving a service name (identity), starting the service (starting

validation of identity) and obtaining service results (results of identity validation).

Appellant asserts that the additional reference (Bhatt) pertains to "database queries"

while the primary reference (Chehade) pertains to "messages." Thus "the modification proposed

is ... illogical and would not have occurred, absent hindsight gleaned from the present

application." (see Appellant's Arguments, p. 16).

First, "database queries" are "messages". Specifically, a database query is a message

transmitted to a database, while the response from the database would be deemed a message

from a database. True, the claimed invention pertains to transmission between a first trading

party's computerized system and a second trading party's computerized system but there is no

reason that the communication cannot be taking place between the databases within their

computerized systems.

Second, Examiner would like to counter that the database query aspects of Bhatt do not

prevent a broader applicability of Bhatt. Examiner asserts that disclosed examples and

preferred embodiments do not constitute a teaching away from a broader disclosure or non-

preferred embodiments. *In re Susi, 169 USPQ 423, 426 (CCPA 1971).*

Bhatt discloses storage, retrieval and transmission of information utilizing an XML and

XQL format, while Chehade discloses transforming information between formats and said

transformed information. Examiner finds nothing illogical with combining the transformation and

transmission process, as disclosed by Chehade, with standard and conventional formats for

storing, retrieving and transmitting information, as disclosed by Bhatt.

Regarding Claim 19

All argument(s) and/or rationale(s) set forth above with respect to earlier addressed

claim(s), Claim(s) 6, are hereby incorporated and/or reapplied so as to apply to Claim(s) 19

where applicable.

Regarding Claim 20

Appellant asserts that the prior art (Chehade, Marso, Bhatt and Saito) fails to teach or

suggest "determining if a response is expected, or when a response is not expected, returning

control to the workflow server and when a response is expected, performing the explicitly-

recited acts as set forth in the claim." (see Appellant's Arguments, pp. 18-19).

Primary reference (Chehade) states:

> ***Business process data, as it is utilized by one embodiment of the invention***
> ***comprises a sequence of messages linked by a predefined workflow and exchanged over***
> ***a predefined period of time that collectively define the specific components and***
> ***transactions required to enable a business process***. Thus, business process data provides
> the information needed to enable system-to-system automation of supply chain processes,
> including catalog management, ordering, inventory management, customer service and support,

and any other business process companies have a need to perform. ___*Each business process*___ ___*defines the type of messages that will be sent and received during the course of a*___ ___*particular business transaction. For example, when a business process message is*___ ___*sent, there may be a defined response that will be forthcoming within a specific period of*___ ___*time. Once such a response is received a reply to that response may be transmitted*___ ___*within a specified period of time. Thus, the parameters of the business process may be*___ ___*defined in accordance with a set of business rules and the messages and responses*___ ___*sent back and for the between the trading participants are closely associated with the*___ ___*business rules.*___ Each set of business process messages is therefore linked by a logical workflow that occurs over time. (emphasis added, para. 36)

Chehade discloses a method determining whether a response is expected or not expected (said determination based upon the business process). If a response was not expected (based upon the business process), control would be returned to the workflow (the next step in the pre-defined workflow of the business process).

It should be noted that Claim 20 possesses a conditional claim limitation. Claim 20 claims "if a response is expected." Usage of the term "if" is deemed to be optional language, as there remains the possibility that the proposed optional claim limitation may or may not be exercised nor triggered. For purposes of examination, it has been assumed that the negative condition has been triggered.

However, for purposes of thoroughness, the method performed if a response is expected (based upon the business process) is substantially similar to the method previously claimed in Claim 7. All argument(s) and/or rationale(s) set forth above with respect to earlier addressed claim(s), Claim(s) 7, are hereby incorporated and/or reapplied so as to apply to Claim(s) 20 where applicable in regards to "the explicitly-recited acts as set forth in the claim".

Chehade does not disclose that the workflow is managed by a "workflow server." However, Saito discloses a workflow server (see fig .2).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Chehade, Marso and Bhatt by incorporating a workflow server, as

disclosed by Saito, thereby having a dedicated component for managing the workflow functions,

as already disclosed by Chehade.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related

Appeals and Interferences section of this examiner's answer.

Conclusion

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above.

Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of

the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject

to the new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary

examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other

evidence. Any amendment, affidavit or other evidence must be relevant to the new grounds of

rejection. A request that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any

request that prosecution be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set

forth in 37 CFR 41.41. Such a reply brief must address each new ground of rejection as set

forth in 37 CFR 41.37(c)(1)(vii) and should be in compliance with the other requirements of 37

CFR 41.37(c). If a reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any

amendment, affidavit or other evidence, it shall be treated as a request that prosecution be

reopened before the primary examiner under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time

period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent

applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination

proceedings.

Respectfully submitted,
/Jason M Borlinghaus/
Primary Examiner, Art Unit 3693
December 14, 2010

Conferees:

/James A. Kramer/
Supervisory Patent Examiner, Art Unit 3693

/James P Trammell/

Supervisory Patent Examiner, Art Unit 3694